IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2453 of 2007.

Dhondiram @ Balasaheb Bapusaheb
Salokhe & Ors ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Shekhar Ingawale, Advocate for the applicants.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 10th August, 2007.

P.C.:-

1. The learned counsel for the applicants submits that he does not want to press the application on behalf of the applicant No.2. Accordingly the application moved by the applicant no.2 is dismissed as "not pressed".

2. Heard learned counsel for the applicants and learned APP for the State.

3. Perused application and the material available on record.

4. The applicant Nos.1 and 3 to 7 are seeking bail in C.R. No.176/07 registered with Karveer Police Station Kolhpur for the offence punishable under Sections 143, 147, 148, 149, 307, 323, 324, 506 read with Section 34 of the I.P.C.

5. Learned counsel for the applicants urged that so far as the applicant Nos. 1 and 3 to 7 are concerned, there is hardly any material against them. According to him, general allegations are made against them and therefore they are entitled for bail. Learned APP while opposing the application for bail, urged that so far as the accused no.1 is concerned, he had instigated his both sons and waiter saying " Yana Mara, Sodu Naka" (i.e. "Beat them and do not leave"). His directions appear to have been followed by his two sons; namely, Amol and Amit (i.e. the applicant Nos. 2 and 3).

6. The application is not pressed for the applicant No.2. So far as applicant No.3 Amit is concerned, learned APP has pointed out that weapons like sattur and sticks were recovered from the accused Amit. He, thus, submits that so far as the applicant nos. 1 and 3 are concerned, they are not entitled for bail. Considering, prima facie, material on record there appears sufficient evidence on record against the applicant Nos. 1 and 3. The reasons given by the learned II Ad hoc Additional Sessions Judge, Kolhapur while rejecting bail application No. 316 of 2007 on

19.7.2007 hold good to the extent of applicants Nos. 1 to 3. Thus, application to the extent of the applicant Nos. 1 and 3 also stands dismissed.

7. Learned APP though tried to oppose the bail application for the applicant Nos. 4 to 7, however, he could not point out any incriminating material against them. In this view of the matter, I am inclined to grant bail to the applicant Nos. 4 to 7 on following terms and conditions.

a] Applicant Nos. 4 to 7 (Pramod Antu Gawade, Raju Lingappa Redekar, Mahesh Chandu Patil and Shriniwas Gopala Patil respectively) be released on bail in the sum of Rs. 10,000/- each with one surety each in the like amount.

b] The applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

c] the applicant Nos. 4 to 7 shall report Karveer Police Station, Kolhapur twice in a week i.e. on Monday and

Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

d] the applicants shall not pressurise prosecution witnesses and that they shall co-operate the Investigating agency, if required.

8. The application is disposed of in the above terms.

(V.C. DAGA,J.)